

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID NORTH,

4 Plaintiff

Case No. 2:19-cv-01428-RFB-VCF

5 v.

6 BRIAN KOHEN, *et al.*,

7 Defendants

ORDER

8
9 **I. DISCUSSION**

10 On August 16, 2019, Plaintiff, an inmate in the custody of the Nevada Southern
11 Detention Center ("NSDC"), submitted a civil rights complaint under 42 U.S.C. § 1983
12 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

13 Plaintiff's application to proceed *in forma pauperis* is incomplete. Under 28 U.S.C.
14 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed
15 *in forma pauperis* and attach both an inmate account statement for the past six months
16 and a properly executed financial certificate. Plaintiff has not submitted a properly
17 executed financial certificate. (See ECF No. 1). The Court will retain Plaintiff's civil rights
18 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
19 is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his
20 application to proceed *in forma pauperis* by filing a properly executed financial certificate,
21 or in the alternative, pay the full filing fee for this action. If Plaintiff fails to file a properly
22 executed financial certificate, the Court will dismiss the case in its entirety, without
23 prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to
24 file a complete application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
28 as the document entitled information and instructions for filing an *in forma pauperis*

1 application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
3 Plaintiff will either: (1) file a properly executed financial certificate in compliance with 28
4 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the
5 \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed
7 financial certificate, the Court will dismiss the case, without prejudice, for Plaintiff to file a
8 new case when he is able to acquire the necessary documents to file a complete
9 application to proceed *in forma pauperis*.

10 DATED THIS 4th day of October, 2019.

11 
12 UNITED STATES MAGISTRATE JUDGE